

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JOHN KARARO, et al., individually and)
on behalf of all similarly situated) Case No. 23-cv-02187
current and former employees,)
)
Plaintiffs,) The Honorable Jorge L. Alonso
v.)
) Magistrate Judge Heather K.
OLD DOMINION FREIGHT LINE INC.,) McShain
)
Defendant.)

NOTICE OF VOLUNTARY DISMISSAL AS TO PLAINTIFF JUAN CARLOS GARCIA

NOW COMES Plaintiff Juan Carlos Garcia, and pursuant to FRCP 41(a)(1)(A)(i), and in relation to the Fourth Amended Complaint (Dkt. 77), voluntarily dismisses his claims against Defendant in his capacity as a named Plaintiff and proposed class representative, and in support states:

1. This Notice of Voluntary Dismissal is being submitted pursuant to FRCP 41(a)(1)(A)(i) where Defendant has not answered or otherwise moved for summary judgment. “[A] Notice of Voluntary Dismissal under Rule 41(a)(1)(A)(i) is effective immediately upon filing and does not require judicial approval.” *Kelmer v. DFS Servs. LLC*, 2010 U.S. Dist. LEXIS 79372 *2, 2010 WL 3038958 (S.D. Ill. Aug. 3, 2010).

2. The Seventh Circuit has stated that “one doesn’t need a good reason, or even a sane or any reason, to dismiss a suit voluntarily. The right is absolute, as Rule 41(a)(1) and the cases interpreting it make clear[.]” *Marques v. Fed. Reserve Bank of Chicago*, 286 F.3d 1014, 1017 (7th Cir. 2002) (collecting cases). The right is absolute until the defendant serves an answer or a motion for summary judgment. *Id.*

2. The remaining Plaintiffs (John Kararo, Ian Travis, Sean Walker, Melvyn L. Caison, Jr., Gabriel Castellano and Diego Delgado) will continue to prosecute this putative class action.

Counsel for Plaintiff Juan Carlos Garcia,

/s/ James C. Vlahakis

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